

Amendment
Application No. 10/686,633
Attorney Docket No. 981491A

REMARKS

(1) Claims 1, 2, 9-, 11, 13-15, 17, 19 and 20 are pending in this application, of which claim 1 has been amended, and claims 19 and 20 have been added.

(2) Claims 1, 2, 4-8 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto et al. in view of Yokota et al. in view of Chigira. Claims 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto et al. in view of Yokota et al. in view of Chigira in view of Wakabayashi et al. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto et al. in view of Yokota et al. in view of Chigira in view of Kikuchi. Claims 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto et al. in view of Yokota et al. in view of Chigira in view of Orbach et al.

(i) In this Response, claim 1 has been amended. The amendment is supported at cancelled claims 4 and 5. The amendment has deleted the limitation which was incorporated in the previous Response. Amended claim 1 recites a main board in addition to an electronic circuit board mounting a circuit for processing image pickup signal of said image pickup device, and the electronic circuit board is located between the image pickup device and the bottom surface of the apparatus body. As described in Figs. 1, 2 and 5, and page 20, lines 6-17, and page 27, lines 10-17, the image pickup board 13 is separately provided from the main board 15. The image pickup device 27 is disposed in the vicinity of a bottom surface of the apparatus body 1a.

According to the invention recited in amended claim 1, the electric circuit board for processing image pickup signal is disposed separately from the main board. The electric circuit board is disposed between the image pickup device and the bottom surface of the apparatus body. The structure recited in claim 1 prevents the noise generated in processing the image pickup signal from adversely affecting the main board because the electric circuit board is disposed separately from the main board. The present invention is also advantageous in reducing the noise from the image pickup device. The separation of the main board from the electric circuit board for image pickup signal processing is important in downsizing the camera. In addition, the configuration of the claimed structure is important to achieve the downsized camera. None of the cited references discloses or suggests the features of the present invention.

(ii) Moreover, Yokota et al. teach that a disk drive 8 is disposed in the vicinity of a bottom surface of the apparatus body 1. *See* Fig. 1 of Yokota et al. Yokota et al. do not teach disposing a main board separate from the electric circuit board. There is also no room in the Yokota's structure to dispose the claimed electronic circuit board between the image pickup device and the bottom surface of the apparatus body.

(iii) The Examiner asserts that "Official Notice is taken that it is well known in the camera art to provide an electronic circuit board mounting an image pickup circuit for processing

Amendment
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Attorney Docket No. 981491A

image pickup [] which is mounted below an image pickup device...." Page 4, last line 4 to page 5, line 4 of the outstanding Office Action. Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. MPEP 2144.03. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR§ 1.113. *Id.* It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. *Id.* For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979).

Here, the outstanding office action is not final. The Examiner's assertion that it is well known in the camera art to provide an electronic circuit board mounting an image pickup circuit for processing image pickup which is mounted below an image pickup device is a technical fact. Thus, the asserted Official Notice is impermissible. The Applicants also contend that it is not well known that an electronic circuit board mounting a circuit for processing image pickup signal of the image pickup device, separately provided from the main board, is located between the image pickup device and the bottom surface of the apparatus body.

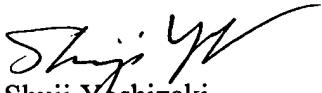
Amendment
Application No. 10/686,633
Attorney Docket No. 981491A

(iv) Claims 19 and 20 have been added, whose basis is found in cancelled claims 3 and 12, respectively. The same arguments for claim 1 apply to claims 19 and 20. Reconsideration of the rejection is respectfully requested.

(3) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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